

EXHIBIT BB

Subject: Re: Plagiarism in "The Kindest"
From: Norah Piehl <norah@bostonbookfest.org>
To: Dawn Dorland <dawndorland@gmail.com>
Cc: Raquel Hitt <raquel@bostonbookfest.org>
Date Sent: Monday, June 18, 2018 11:09:39 AM GMT-04:00
Date Received: Monday, June 18, 2018 11:09:39 AM GMT-04:00

Dear Dawn,

I wanted to thank you again for bringing your concerns to our attention. As Raquel probably mentioned to you, we were still very early in the publication process for One City One Story when we learned of your concerns, which gave us the flexibility to make changes prior to publication.

After speaking with our legal counsel and with Sonya, and in order to alleviate your concerns, we requested that Sonya completely redraft the portion of her story in question, and she has now done so. Our lawyer has reviewed the rewritten text and we plan to move forward with publication of this revised version, with a note in the acknowledgments that it varies from the original story published in *American Short Fiction*. The story will be distributed beginning in mid-August.

All best,
Norah Piehl

On Thu, Jun 14, 2018 at 2:47 PM, Dawn Dorland <dawndorland@gmail.com> wrote:

Dear Raquel,

Do you have an update for me on your lawyer's research and recommendations regarding my plagiarism claim?

Kindly,
Dawn

(857) 234-2650 (mobile)

I check email once daily at noon.

On Jun 8, 2018, at 12:56 PM, Raquel Hitt <raquel@bostonbookfest.org> wrote:

Dear Dawn,

Thank you again for bringing your concerns to our attention.

We have spoken with our legal counsel, and while we understand your original letter is protected by copyright, he asked us to inquire with you about whether the letter has been registered with the copyright department and, if so, if you could provide us with the registration number. This information will be helpful for him as he continues to research the matter and make recommendations regarding our decision of how best to proceed with the story.

Thank you for whatever information you can provide.

Regards,
Raquel

On Thu, Jun 7, 2018 at 3:38 PM, Raquel Hitt <raquel@bostonbookfest.org> wrote:
Hi Dawn,

Sorry to have missed your call. Although I did not call you earlier, I hope you were able to figure out who did.

As requested, I can confirm that your plagiarism claim has been received by phone and email (both the *American Short Fiction* letter and the donor recipient letter). Thank you for brining this situation to our attention and for your patience as we discuss with our lawyers.

Very best,
Raquel

On Thu, Jun 7, 2018 at 2:33 PM, Dawn Dorland <dawndorland@gmail.com> wrote:
Dear Raquel,

I might have missed a return phone call from you, or a colleague at the Boston Book Festival, just after you and I spoke this morning. I then left a voicemail at your offices, but I have not received a call back.

Could you please confirm receipt of my plagiarism claims via phone and email, including the letter I authored in 2015 to the final recipient in my kidney chain (email sent separately)?

In short, the story I gather that your organization has chosen for BBF's 2018 One City One Story initiative, Sonya Larson's "The Kindest," copies and closely paraphrases my own unpublished work, to which Ms. Larson had access. My personal text, plagiarized by your author to create the donor-recipient letter in "The Kindest," is copyrighted. Reproducing "The Kindest," which contains portions of another author's work, could have serious legal and ethical consequences.

I appreciate the seriousness and kindness with which you are handling my claims, which I'm sure came by complete surprise. Regardless, **I wish to hear a response from your organization today by the end of business (Eastern).**

Having lived previously in Boston for a decade, and having attended the very first BBF, it pains me to be writing you under these circumstances. I am available by phone or email if you have any questions at all. 857-234-2650 (mobile)

Kindly,

Dawn Dorland, MTS, MFA
Los Angeles

I check email once daily at noon.

Begin forwarded message:

From: Dawn Dorland <dawndorland@gmail.com>
Date: June 7, 2018 at 8:58:58 AM PDT
To: raquel@bostonbookfest.org
Subject: Fwd: Plagiarism in "The Kindest"

Dear Raquel,

I am forwarding my correspondence with the editors of *American Short*

Fiction regarding my plagiarism claims in the story, "The Kindest," by Sonya Larson.

As I explained on the phone, in a separate email I will forward my personal writing--a letter to the final recipient in my own kidney chain, written in 2015, to which the author of "The Kindest" had access--on which the donor-recipient letter in Ms. Larson's story is clearly based.

Thank you for your kind consideration. I look forward to hearing from members of the BBF program committee.

Yours,

Dawn Dorland, MTS, MFA
Los Angeles

I check email once daily at noon.

Begin forwarded message:

From: Dawn Dorland <dawndorland@gmail.com>
Date: June 5, 2018 at 10:33:24 AM PDT
To: Rebecca Markovits <rebecca.markovits@americanshortfiction.org>
Subject: Re: Plagiarism in "The Kindest"

Dear Rebecca,

Thanks very much for letting me know. I appreciate that you are taking the allegation seriously, and I await your response.

Kindly,
Dawn

857-234-2650 (mobile)

On Jun 5, 2018, at 8:31 AM, Rebecca Markovits
<rebecca.markovits@americanshortfiction.org> wrote:

Dear Ms. Dorland,
Thank you for bringing this to our attention. We are investigating the situation and consulting with our legal advisers and will have a response for you shortly. This obviously comes as news to us, and we want to give it the serious consideration it deserves, so we appreciate your patience for a day or two more as we look into it.
Yours,
Rebecca Markovits

On Tue, Jun 5, 2018 at 9:53 AM, American Short Fiction
<editors@americanshortfiction.org> wrote:

Take a gander at thissss

----- Original Message -----

Subject: Plagiarism in "The Kindest"

Date: 2018-06-04 10:55

From: Dawn Dorland <dawndorland@gmail.com>
To: editors@americanshortfiction.org

Dear Editors of American Short Fiction: Ms. Markovits, Ms. Reithberger, Mr. Brown, and Web Editor, Ms. McReynolds,

My name is Dawn Dorland, and I am a literary writer and editor based in Los Angeles. As a fan of your journal and website, it pains me to be writing you under these circumstances.

I'm reaching out to you at this particular moment, however, about a distressing situation regarding the short story that appears on your splash page as an online Notebook Feature, Sonya Larson's "The Kindest."

In short: I learned in 2016 that my friend Sonya Larson--to whom I had disclosed my intentions in 2015 to donate my kidney to a stranger--had written and prepared to publish a kidney story without telling me that its genesis was my own living kidney donation (another friend tipped me off after hearing Sonya perform "The Kindest" at a public reading). When I approached Sonya about the story, right around the first anniversary of my kidney donation, she was defensive of her actions but acknowledged that the short story she was working on was indeed informed by my gesture.

I didn't read the story when it came out a year later in your emerging writers issue, though--it was too painful. I could see a clear resemblance, even from the story's title, to the information I had disclosed and shared intimately with Sonya ahead of donating my own kidney. My friend had worked on the story, reading it publicly and publishing audio in multiple places, without ever letting me know and while maintaining our friendship, receiving further kidney-related disclosures that in turn shaped the story. My friend later thanked several writers publicly for helping her revise and place the story with you at ASF last year, without ever acknowledging me.

I did just read Sonya's story over the weekend, however, when I came across it (quite by accident--I was looking for the work of Tommy Orange). I am dismayed to confirm the similarities between Sonya's fictional donor's motivations and my own, as well as the story's title, plucked from an article I'd pointed Sonya to because it had very much inspired and informed my own donation (Larissa MacFarquahar's "The Kindest Cut," which ran in The New Yorker; I think you'll recognize the title).

BUT HERE'S THE PROBLEM: My friend's kidney story, "The Kindest," includes a letter from a donor to her recipient. I believe that the letter in Sonya's story plagiarizes the letter that I wrote to the final recipient in my short kidney chain, a letter to which Sonya had access as a member of a private friends-and-family Facebook group where I shared updates and information about my donation.

Another writer's appropriation of my personal kidney story, fictionally, is one kind of debate; another writer's use of a text that I authored is, to my mind, however, a serious issue. I will forward you my own kidney letter as a separate email attachment for your comparison.

If you agree that the letter in Sonya's story bears a problematic resemblance to the one that I composed and shared with her privately, remedies that I would find acceptable range from ASF's pulling the story to the author making an acknowledgment of my text. I would also, or in addition, consider writing an article for ASF raising ethical issues germane to all writers: How do we balance careerist impulses with our stated artistic ideals (empathy among them)? And for those in the "you shared it, so I stole it" school, does being writers give us permission to violate the bonds of intimacy, to fail one another as friends?

Thank you for your consideration. I can be reached anytime today or this

week by email and/or by phone. I am in the process of securing legal counsel.

857-234-2650 [1] (mobile)

Kindly,

Dawn Dorland, MTS, MFALos Angeles

_I check email once daily at noon. _

Links:

[1] <tel:857-234-2650>

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The Editors
American Short Fiction

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Rebecca Markovits
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